

HOUSE BILL NO. 398

INTRODUCED BY T. DOWELL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING STANDARD ENFORCEMENT OF THE REQUIREMENT THAT SEATBELTS AND CHILD SAFETY RESTRAINT SYSTEMS BE USED FOR ANYONE UNDER 18 YEARS OF AGE IN A MOTOR VEHICLE; EXEMPTING CHILDREN FROM THE PROVISION PROHIBITING LAW ENFORCEMENT FROM STOPPING A DRIVER WHO IS IN VIOLATION OF SEATBELT REQUIREMENTS; SPECIFYING THAT THE PROVISION PROHIBITING LAW ENFORCEMENT FROM STOPPING A DRIVER WHO IS IN VIOLATION OF SEATBELT REQUIREMENTS APPLIES ONLY TO INDIVIDUALS WHO ARE 18 YEARS OF AGE OR OLDER; AND AMENDING SECTION 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt ~~or, if 61-9-420 applies, is properly restrained in a child safety restraint.~~

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle as defined in 61-1-105 or a motor-driven cycle as defined in 61-1-106;

(d) an occupant of a vehicle licensed as special mobile equipment as defined in 61-1-104; ~~or~~

(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may be exempted by the department; or

(f) a child who is subject to the provisions of 61-9-420.

(3) The department may adopt rules to implement subsection (2)(e).

(4) The department or its agent may not require a driver who is 18 years of age or older and who may be in violation of this section to stop except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law."

- END -